

REMARKS:

I have rewritten all claims as necessary to define the invention more particularly and specifically to overcome the technical rejections and define the present invention over prior art.

Objections to the Specifications and Claims Under 35 U.S.C. 102.

1. As far as Claims 1-8 being rejected as being anticipated by Santa Cruz (6,3778,720), paragraph 4 of the DETAILED ACTION, I submit the following:

A. Figure 4 (top view) does not show a stool. Also, (14) is not illustrated in any of the drawings and is only found in the text defined as a “step stool”. The “side frames” are defined in the text as “walls of a receptacle”. Seat (15) is defined as the “lid” of the receptacle. Cross braces (20, 30) are not cross braces, (20) is defined as a “hinge” and (30) is defined as “rubberized material”. Column 2 line 30 is generic statement as the words “wood, metal, plastic” appear in thousands of issued patents. Likewise in line 59 the use of the word screw is also generic as it too appears in thousands of patents. Also, according to the drawings, the footrest has only two positions, either locked in the recess or only extended to the floor as a step. An annotated copy of Santa Cruz is attached.

B. The principal purpose of Santa Cruz’s invention is as a trash container. This is illustrated by the size and shape of it and her commentary on its use “As the internal access allows the user to easily grasp one of the garbage bags from the inside of the container and position it for use all in one step that is simple, easy, convenient and clean and the external access allows the user to easily replace garbage bags when needed.”

C. Santa Cruz mentions that the purpose of the step stool portion of the device could be used “for quick access to items located in high cabinets or the like”.

D. Santa Cruz also mentions the device “includes various attachments means for removably attaching items of user choice onto the container, such as dish-towels, dust-rags, a dust pan, a whisk broom, or the like.”

E. Santa Cruz also mentions a device “which includes a storage compartment for containment of typical plastic garbage bags, which can be stored individually, or on a roll, or within a box or the like.”

F. The step stool portion of it is an additional feature, not its primary purpose and the invention itself would not normally be found in a person’s bedroom or dressing room.

G. Nowhere in Santa Cruz’s Summary of the Invention is there any mention of its use for persons with limited mobility in the knees or backs for the specific act of putting on or taking off their shoes or socks.

H. If the trash container portion of the invention were removed would a step stool remain? From the drawings it appears not.

2. In response to the argument that Kneier (2002/0060491) anticipated my disclosure, paragraph 5 of the DETAILED ACTION, I submit the following:

A. The title of Kneier’s disclosure is “Chair With Attached Footrest”; but the only valid drawing in the publication shows a person sitting on what appears to be a stool. The side frames (14) are mentioned in the text, but drawings are so poor one could not tell how they would be made. The cross braces (30,32) are described in the text as “shelves of the storage compartment.” In paragraph 47, Kneier specifically states that his device is a “chair” and there is no mention of screws. I had mentioned in my submission that the article described in the text was really a large chair with storage compartment.

B. Kneier's submission (2002/0060491) must have been rejected, most likely because the drawing were not detailed, because he resubmitted another application (2005/0218709) which also was published and ultimately resulted in a Patent (7,036,887). Copies of the first two pages of each are attached.

C. Kneier's patent is clearly for a chair not a stool. As I stated in my disclosure, it appears to be fairly large chair and many senior's living space may not allow them room for such a unit in their household. Furthermore, many potential customers may question the need to pay for its built-in storage space. Cost and portability are the two most important considerations of the people in the targeted market.

D. The first Claim in Kneier clearly states that his invention is a chair not a step stool even though it's intended use is similar to that in my disclosure. Therefore, I do not believe that his invention has anticipated my disclosure in anyway. Especially, since I specifically describe the use of a stool, not a chair, to facilitate a person's putting on and taking off their shoes and socks.

3. In response that Whiteside (6,957,718), paragraph 6 of the DETAILED ACTION, anticipated my invention I offer the following:

A. The title of Whiteside is "APPARATUS TO ASSIST A MECHANIC TO WORK ON A VEHICLE" and nowhere in the text is there any reference to the "act of putting on or taking off ones shoes or socks". Clearly this device is intended for use in a garage not a house. However, since all reference to the "adjustable stepped stool with telescoping legs" in Specifications, Drawings and Claims have been cancelled this citation is no longer needed.

B. Botello (4,727,958) MECHANIC' BODY SUPPORT DEVICE is similar to Whiteside

and makes no reference to the act of “putting on and taking off ones shoes and socks” is no longer needed as well.

4. As far as the prior art reference Bayles (2,658,640) being pertinent to my disclosure, I offer the following:

A. The title of Bayles is “Children’s Hamper With Steps Combined” and its principal purpose is “a novel and practical hamper which serves as a container for small and miscellaneous garments and similar little thing.”

B. Bayles describes “a relatively small light-weight portable hamper which is expressly adapted for use by children in the home, said hamper being individual in character not only because of its miniature proportions.”

C. Bayles states one of the objectives is “for children to enable them to help themselves when at a lavatory or sink, to enable them to safety climb in and out of bed and to provide handy storage space for articles that have to be picked up and momentarily put away from time to time.”

D. Nowhere does Bayles state that the device, which he describes as ‘having miniature proportions,” could be used for seniors or other adults for the specific purpose of putting on or taking off their shoes and socks. Miniature proportions suggest that the device would not be structurally sound or the correct height for the average adult.

E. Just because Bayles’ device has “a box-like hollow extension forming part of the hamper but primarily serving as a low or approach step” does the device really qualify as a true self contained step stool or it is really a miniature storage container with a step? I believe the drawings clearly show it is the latter. I have enclosed an annotated copy of Patent 2,658,640 for your use.

ENCLOSURES:

1. Copy of Office Action 10/817,274 dated March 9, 2007.
2. Copy of Office Action 10/817,274 dated January 6, 2007.
3. Copies of Page 3 of the Specifications and Sheet 4 of 4 of the Drawings.
4. Copies of Patent Numbers 6,378,720 and 2,658,640.
5. Copies of the first two pages of Application # 2005/0218709 and Patent # 7,036,887.
6. Return receipt Post Card to confirm receipt of this amendment.

If you have any suggestions to improve upon my Claims, I would appreciate them.

Thank You,

A handwritten signature in cursive script, reading "Robert F. Zenisek". The signature is written in black ink and is positioned above the printed name.

Robert F. Zenisek

262-369-9814

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